

3763

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shmulewitz, et al.)

Art Unit: 3763

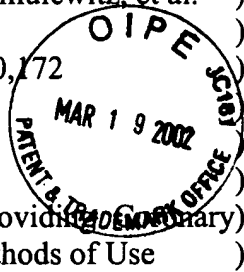
Application No.: 09/320,172)

Examiner: Nguyen, A.T.

Filed: May 26, 1999)

For: Apparatus for Providing Temporary
Retroperfusion and Methods of Use)

Commissioner for Patents
Washington, D.C. 20231



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**RESPONSE TO OFFICE ACTION DATED JANUARY 2, 2002 AND
TRANSMITTAL OF NEW POWER OF ATTORNEY**

Dear Sir:

In response to the Office Action of January 2, 2002, Applicant provisionally elects to prosecute Claims directed to Species 1 (Figures 1-2C). As the Examiner has noted, at least Claim 1 is currently generic.

Claims 1-26, 28-30 and 32-36 presently read on the elected species (Figures 1-2C).

Applicant hereby petitions for a one (1) month extension of time pursuant to 37 C.F.R. 1.136(a). The Commissioner is hereby authorized to charge the fee for such extension of time and any other fee properly deemed to be due in connection with this filing to Deposit Account No. 50-0878.

Also, enclosed herewith is a POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST (REVOCATION OF PREVIOUS POWERS) along with a transmittal form PTO/SB/82.

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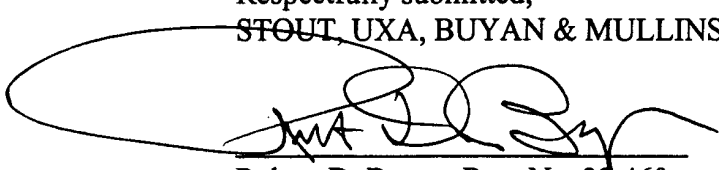
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All further correspondence in relation to this application is to be sent to applicant's new counsel at the address shown on the accompanying power of attorney document.

Respectfully submitted,
STOUT, UXA, BUYAN & MULLINS, LLP

Date: March 4, 2002


Robert D. Buyan, Reg. No. 32,460

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Washington, DC 20231, on March 4, 2002.

Dated: March 4, 2002

By: 

Robert D. Buyan